

**FILED**

**JAN 18 2021**

Clerk, U S District Court  
District Of Montana  
Billings

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

JERAMIE MARCUM CARR,

Defendant/Movant.

Cause No. CR 18-129-BLG-SPW  
CV 21-20-BLG-SPW

ORDER DISMISSING § 2255  
MOTION AS MOOT AND  
DENYING CERTIFICATE OF  
APPEALABILITY

On February 16, 2021, Defendant/Movant Carr filed a motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. *See* Mot. § 2255 (Doc. 126). Carr is a federal prisoner proceeding pro se.

Carr's motion arose from his concern that his federal sentence would run consecutive to his state sentences. On August 4, 2021, the Court responded to an inquiry from the Bureau of Prisons by indicating that the federal sentence should run concurrently with the state sentences. Carr requested this form of relief in his § 2255 motion. *See* Mot. § 2255 (Doc. 126) at 5 ¶ 8.


On November 12, 2021, the Court ordered Carr to show cause why his § 2255 motion should not be dismissed as moot. Carr did not respond to the Order.

Carr did not make a substantial showing that he was deprived of a constitutional right. *See* Order (Doc. 128) at 2; Resp. (Doc. 130) at 1–2; 28 U.S.C. § 2253(c)(2). In addition, because the § 2255 motion is moot, reasonable jurists would agree a certificate of appealability is unwarranted. *See Gonzalez v. Thaler*, 565 U.S. 134, 140 (2012) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

Accordingly, IT IS ORDERED:

1. Carr’s motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255 (Doc. 126) is DISMISSED AS MOOT.
2. A certificate of appealability is DENIED. The Clerk of Court shall immediately process the appeal if Carr files a Notice of Appeal.
3. The Clerk of Court shall ensure that all pending motions in this case and in CV 21-20-BLG-SPW are terminated and shall close the civil file by entering a judgment of dismissal.

DATED this 18<sup>th</sup> day of January, 2022.

  
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Susan P. Watters  
United States District Court